



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON D C. 20301

ADMINISTRATIVE
Administration)

31 JAN 1988

ADMINISTRATIVE INSTRUCTION NO. 33

SUBJECT: Merit Promotion

- References:
- (a) Administrative Instruction No. 33, "Merit Promotion," May 18, 1981 (hereby canceled)
 - (b) Federal Personnel Manual (FPM), Chapters 308 and 335 and Supplement 335-1
 - (c) Administrative Instruction No. 35, "Probationary Period for Newly Appointed Managers and Supervisors," October 16, 1987
 - (d) DoD 1400.20-1-M, "DoD Program for Stability of Civilian Employment," July 1986, authorized by DoD Directive 1400.20, June 16, 1981
 - (e) through (l), see enclosure 1

A. REISSUANCE AND PURPOSE

This Instruction:

- 1. Reissues reference (a) in accordance with references (b) through (k).
- 2. Implements reference (l).
- 3. Updates policies and procedures to use in the selection of employees for merit promotion.

B. APPLICABILITY AND SCOPE

This Instruction:

- 1. Applies to the Office of the Secretary of Defense (OSD), the Organization of the Joint Chiefs of Staff (OJCS), and all other activities deriving administrative support from Washington Headquarters Services (WHS). These organizations are hereafter referred to collectively as "OSD Components."
- 2. Governs selection for positions in the competitive service at GS-15 and below, GM-13 through GM-15, and wage grade positions, and applies when it is the decision of management to fill a position competitively. This includes reassignment to a position with known promotional potential, unless the selected candidate has competed previously for a position with promotional potential to the same or higher target level.
- 3. Includes competitive positions occupied by employees hired under special excepted service appointments (e.g., Veterans Readjustment Appointment (VRA), handicapped persons, and disabled veterans).

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4. Does not apply to bargaining unit employees covered under a negotiated agreement if that agreement differs from this Instruction.

C. DEFINITIONS

Terms used in this Instruction are defined in enclosure 2.

D. POLICY

1. Vacant positions within the competitive service shall be filled from among the best qualified candidates available from within or outside of those organizations or activities to which this Instruction applies.

2. Actions subject to this Instruction, whether identification, qualification, evaluation, or selection of candidates, shall be made without regard to political, religious, labor organization affiliation or nonaffiliation, marital status, race, color, sex, national origin, nondisqualifying handicapping condition, age, or other nonmerit factor.

3. Minimum qualification requirements shall be the standards prescribed by the Office of Personnel Management (OPM). Methods of evaluation for promotion, placement, and selection for training that leads to promotion shall be job-related and consistent with instructions in FPM Supplement 335-1 (reference (b)).

4. In accordance with DoD Instruction 1404.11 (reference (1)), spouse preference shall be given to an eligible spouse relocating with a military sponsor and who applies, based on spouse preference, for a vacant position at GS-8 through GS/GM-15 or equivalent wage system position. An eligible spouse shall be selected ahead of other applicants when the spouse is determined to be best qualified and when the grade of the position is no higher than a grade the spouse formerly has held in a permanent position in the competitive service. When more than one spouse is being considered on spouse preference eligibility, selection may be made from among available spouse preference eligibles in any order.

5. Spouse preference shall not apply to OSD Components that have as a primary function intelligence, counterintelligence, investigative, or U.S. national security responsibilities.

6. The minimum area of consideration for promotion shall encompass all organizational entities and activities serviced by the servicing personnel office. For promotion to positions at GS/GM-14 and GS/GM-15, the minimum area of consideration normally shall be expanded to DoD-wide, unless this consideration might produce too many candidates, cause undue delay, or the nature of the position would make this consideration improper. The minimum area of consideration may be expanded, by mutual agreement between the management official concerned and the Chief, Staffing Division, Directorate for Personnel and Security, WHS; or the Civilian Personnel Officer, OJCS; or their representatives, to provide an adequate number of highly qualified candidates. When employees are covered by a negotiated agreement, it may differ from this Instruction.

7. Supervisors shall release employees selected for promotion or reassignment within 2 weeks after the servicing personnel office has notified them of the selection. In cases of extreme hardship, an extension of up to 30 days may

be requested from and approved by the servicing civilian personnel officer, or a designee, if the delay does not jeopardize the employee's movement to another position. The request must be made in writing and must state the reasons for the delay. That an immediate replacement is not available, shall not be considered a valid reason.

8. Normally, an employee shall not be detailed to a higher graded position for extended periods. If the higher graded position cannot be filled on a permanent basis, a temporary promotion shall be made.

9. All employees selected for first-level supervisory positions must receive supervisory training as required by the OPM, either before assuming supervisory responsibilities or as soon, thereafter, as possible. Employees initially appointed to supervisory or managerial positions shall be required to complete a probationary period as prescribed by AI No. 35 (reference (c)).

10. Managers have the right to select or reject a candidate from a promotional certificate of best-qualified candidates, except as required by subsection D.4., above. Managers are not obligated to fill a position under this Instruction, and have the right to select from other applicable sources, such as reinstatement, transfer, handicapped, Veterans Readjustment eligibles, or those within reach on an OPM certificate. Candidates within reach on an OPM certificate also are subject to the policy on spouse preference stated in subsection D.4., above. The DoD Priority Placement Program (DoD 1400.20-1-M (reference (d))) and mandatory provisions of the Agency's Reemployment Priority List take precedence over this Instruction, and must be applied before filling positions by any other means. In deciding which sources to use in filling vacancies, managers have an obligation to determine the sources most probable to produce candidates who shall best meet mission objectives, contribute fresh ideas, new viewpoints, and meet affirmative action goals.

11. Employees within the minimum area of consideration who are absent for legitimate reasons such as detail, leave, training courses, military service, or serving in public international organizations or on "Intergovernmental Personnel Act," 5 CFR 334 (reference (i)) assignments shall receive consideration for promotion under this Instruction.

12. Adequate records shall be maintained to allow reconstruction of each promotion action and to provide necessary information to employees and the public, ensuring that individuals' rights to privacy are protected.

13. Performance appraisals shall be given significant weight in evaluating candidates for promotion. No employee may be promoted unless his or her most recent rating of record is "Fully Successful," or higher. Additionally, no employee may receive a promotion who has a rating below "Fully Successful" in a critical element that also is critical to performance in the higher grade position, including promotion to a career ladder position for which an employee was previously competitively selected.

14. In the interest of ensuring fair and equitable consideration to all candidates referred on Merit Promotion Certificates, it shall be normal practice to interview all best qualified candidates. When mission needs dictate, expedited consideration methods such as telephone interviews may be used. If requested by the Director, Personnel and Security, WBS, or the Civilian Personnel

Officer, OJCS, selecting officials must be able to justify why interviews were not conducted with all candidates. A candidate who is under the supervision of the selecting official need not be interviewed. If the selecting official does not interview a subordinate employee, such employee shall be informed he and/or she is being considered for the vacancy. Inability to appear for a personal interview shall not be a reason for nonselection.

15. Special consideration for repromotion or position change shall be afforded employees receiving grade or pay retention benefits. Special consideration shall be extended to positions at or below the grade from which demoted in the pay group that covered the employee before placement in the lower grade, if an employee is qualified and interested. Positions that offer known promotion potential to a grade above that from which demoted shall not apply. Special consideration shall cease when the employee is no longer entitled to grade or pay retention. Declination of a valid offer at an intervening grade shall terminate the employee's entitlement to repromotion consideration at that grade level, but the employee shall continue to receive special consideration for higher grades, up to and including that from which downgraded.

E. LEGAL AND REGULATORY REQUIREMENTS

Candidates who do not meet the time-in-grade requirements, qualification requirements, or time-after-competitive appointment requirements may be considered under this Instruction if they meet the particular requirement within 30 days of the closing date of the Job Opportunity Announcement (JOA). The JOA shall specify these requirements.

F. RESPONSIBILITIES

1. The Director, Personnel and Security, Washington Headquarters Services (WHS), shall:

- a. Plan and administer the Merit Promotion Program.
- b. Conduct evaluations of the Merit Promotion Program and implement improvements, as required.

2. The Chief, Staffing Division, Directorate for Personnel and Security, Washington Headquarters Services (WHS), and the Civilian Personnel Officer, the Organization of the Joint Chiefs of Staff (OJCS), shall:

- a. Advise and assist supervisors and employees in carrying out their responsibilities and advise personnel of serviced organizations of pertinent policies and procedures.
- b. Ensure that the area of consideration is broad enough to produce a sufficient number of well-qualified candidates to fill vacancies under this Instruction.
- c. Develop and apply evaluation procedures, and ensure that rating factors are job related, capable of distinguishing differences in the qualifications measured, and are applied fairly and consistently.

- d. Conduct rating panels and train participants in the procedures involved.
- e. Ensure the security of evaluation materials and procedures.
- f. Refer those "best qualified" to selecting officials for consideration.
- g. Ensure that applicable records are prepared and maintained for each position filled under this Instruction.
- h. Notify expediently all candidates as to the final disposition of the vacancy for which they applied.

3. The Supervisors shall:

- a. Anticipate personnel needs and initiate requests for filling vacancies in sufficient time to allow for application of proper screening and referral procedures.
- b. Support the Merit Promotion Program by adhering to the policies and procedures in this Instruction.
- c. Ensure that candidates are not preselected for positions filled by competitive promotion, and that name requests are not made for competing employees.
- d. Evaluate promptly and fairly employees who are being considered for promotion.
- e. Analyze positions and identify job-related criteria for use in the evaluation process.
- f. Consider the "best qualified" candidates, evaluate them using job-related criteria, and make a final selection based on merit.
- g. Interview candidates referred, either in person or by telephone, in the interest of ensuring fair and equitable consideration to all in accordance with subsection D.14., above.
- h. Furnish the servicing personnel office with the basis for replying to persons who question the selection or nonselection of a "best qualified" candidate certified for a specific position.
- i. Furnish Standard Form (SF) 171, "Application for Federal Employment," to be applied against specific JOAs for employees who are on detail, approved leave, at training courses, in the military service, serving in public international organizations, or on "Intergovernmental Personnel Act," 5 CFR 334 (reference (i)) assignments, when such employees have expressed interest in applying for such positions and have provided the SF 171.
- j. Promptly release employees selected for placement in other positions in accordance with subsection D.7., above.

4. The Employees Seeking Advancement shall:

- a. Apply for positions, in accordance with the instructions provided on the JOAs, within the time limit specified.
- b. Keep the servicing personnel office informed of additional training, experience, or qualifications by completing SF 172, "Amendment to Application for Federal Employment," and forwarding it to the servicing personnel office.
- c. Prepare for advancement by demonstrating competent performance and by acquiring skills and knowledge needed for advancement through self-development and training.
- d. Inform their supervisor of interest in consideration for promotional opportunities and furnish a completed SF 171 preceding extended absences from their position for the reasons cited in subsection D.11., above.

G. PROCEDURES

1. General. This Instruction is applicable in filling all positions in the competitive service by:

- a. Competitive Promotion. (See sections J. and K., below, for exceptions and exclusions.)
- b. Temporary promotion for more than 120 days.
- c. Transfer to a higher grade.
- d. Reinstatement to a grade higher than the last grade held under a nontemporary appointment in the competitive service.
- e. Detail for more than 120 days to a higher grade or to the same grade, but one with known promotional potential.
- f. Selection for training that is required to prepare an employee for advancement.
- g. Reassignment, transfer, or demotion to a position with more promotional potential than the position last held (except as permitted by reduction-in-force regulations or placement of an employee who does not satisfactorily complete a supervisory or managerial probationary period in accordance with AI No. 35 (reference (c))).

2. Locating and Screening of Candidates

- a. The supervisor shall provide the servicing civilian personnel office with an SF 52, "Request for Personnel Action," completed in accordance with AI No. 55 (reference (e)), a position description, and an outline of any special qualifications or requirements including a job analysis completed in accordance with internal operating instructions.
- b. The Chief, Staffing Division, Directorate for Personnel and Security, WHS, and the Civilian Personnel Officer, OJCS, shall:

(1) Prepare and issue JOAs for vacancies to be filled under this Instruction. As a minimum, JOAs shall be open for 10 calendar days and shall identify the title, series, grade, and location of the position, specify the area of consideration, describe the duties to be performed, state the qualifications required, and explain when and how to apply.

(2) Post a copy of each JOA on applicable bulletin boards, furnish copies to the Pentagon Consolidated Job Information Center, and provide each organizational entity (the Offices of the Under Secretaries of Defense (OUSDs), the Offices of the Assistant Secretaries of Defense (OASDs), etc.) with copies. Distribute JOAs to activities covered under the area of consideration, including sources where women, minority, disabled veteran, and handicapped candidates are located.

(3) Develop evaluation methods to be used in rating and ranking the candidates based on the job analysis provided by the requesting organization.

(4) Accept applications from applicants who file in accordance with the JOA.

(5) Rate the applicants in accordance with the established evaluation standards or convene a promotion panel for this purpose. Normally, panels shall consist of three subject matter specialists who have knowledge or expertise about the position to be filled, plus a personnel office representative. Panel members shall be civilian or military personnel equivalent to or higher than the grade of the position to be filled. Every effort shall be made to identify women and minorities to act as panel members. Only in exceptional circumstances shall the selecting official be a member of the promotion panel.

(6) Rank all qualified applicants into two groups, "qualified" and "best qualified," under established evaluation methods.

(7) Prepare and forward to the selecting official, a promotion certificate that lists the "best qualified" candidates and their background data. The number of candidates referred shall depend on the final numerical ranking of all qualified candidates. A reasonable cut-off score shall be determined and shall take the following into consideration:

(a) The total number of qualified candidates.

(b) The proximity of the scores of the candidates.

(c) The number of vacancies to be filled.

(d) The inclusion of women and minority candidates in under-represented categories in accordance with the "OSD/OJCS Affirmative Action Annual Plans" (reference (f)) and the "Federal Equal Opportunity Recruitment Program" (reference (g)).

(8) Notify all applicants as to whether they were rated "best qualified," "qualified," or "ineligible," and indicate the reason in the latter case. If a selection is not made from the promotion certificate, notify the applicants of the disposition of the vacancy.

3. Selection and Notification

a. Supervisors shall:

(1) Interview candidates referred as best qualified on the promotion certificate in accordance with subsection D.14., above.

(2) Make a selection from among the "best qualified" candidates on the promotion certificate, assessing qualifications and determining how well the candidate shall perform consistent with the policy in subsection D.3., above. The requirements of DoD Directive 1440.1 (reference (h)) and the "OSD/OJCS Affirmative Action Annual Plans" (reference (f)) shall be considered when making a selection to fill a vacant position.

(3) Indicate to the servicing personnel office, in writing, the name of the selected individual.

(4) Notify the servicing personnel office if a selection is not made from the promotion certificate, the reasons for the nonselection, and whether the position is to be canceled or filled by a candidate in an excepted or excluded category (see sections J. and K., below).

b. The Chief, Staffing Division, Directorate for Personnel and Security, WHS, and the Civilian Personnel Officer, OJCS, or their representatives shall:

(1) Be the official designated to commit positions to selectees on their meeting preappointment requirements (i.e., status, security clearance, suitability, and medical requirements).

(2) Notify all candidates concerned when a selection has been made for a position for which they have applied.

(3) Notify the selected candidate and the servicing civilian personnel office, if applicable, and make necessary arrangements for entrance on duty.

(4) Arrange through administrative or executive officers for the release of serviced employees selected under the Merit Promotion Program.

H. DETAILS AND TEMPORARY PROMOTIONS

1. Temporary promotions and details may be used when management requires the duties of a position performed for short periods, and, for valid reasons, does not need the position to be filled on a permanent basis. Normally, an employee shall not be detailed to a higher graded position for extended periods.

2. The procedures outlined in section G., above, are applicable to details and temporary promotions as follows:

- a. A temporary promotion that will last more than 120 days.
 - b. Detail to a higher graded position or to a position with known promotional potential that will last more than 120 days.
3. Employees selected for temporary promotion shall be notified in writing and must agree in writing to the following:
- a. A temporary promotion may be terminated at any time.
 - b. Return to the former position, or one of equivalent pay and status, shall not be subject to procedures prescribed in 5 CFR 351, 432, 752, or 771 (reference (i)).
4. Temporary promotions may be made for a definite period of 1 year or less, and may be extended for a definite period not to exceed 1 additional year.
5. At the end of a temporary promotion, employees shall be assigned to their former positions or, with their consent, to a different position in a grade no lower than that of their former position. Their pay shall be set as follows:
- a. The length of time counting toward a within-grade increase (if applicable) for a General Schedule employee shall be credited as if the employee has remained in his or her regular position.
 - b. A General Schedule employee temporarily promoted to a Performance Management and Recognition System (PMRS) position shall have his or her salary adjusted to the rate that it would have been if the employee had remained in the General Schedule.
 - c. A PMRS employee temporarily promoted to another PMRS position shall revert back to the salary that he or she left plus any general increases or merit increases that he or she would have received based on his or her performance rating of record had the employee remained in the lower grade position.
6. A temporary promotion may be made permanent without further competition, if the temporary promotion was made under competitive procedures and the fact that it might lead to permanent promotion was made known to all potential candidates.

I. TERM PROMOTIONS

1. Term promotions may be used to promote employees for participation in a designated project or a planned rotation program for a definite period in excess of 2 years, but not more than 4 years.

2. The competitive procedures in section G., above, are applicable to term promotions.

3. Employees shall be notified in writing, and the employee must agree in writing, before the effective date of the term promotion that:

a. A term promotion may be terminated at any time.

b. Return to the former position or one of equivalent pay and status shall not be subject to procedures prescribed in 5 CFR 351, 432, 752, or 771 (reference (i)).

4. On return, employees pay shall be set as follows:

a. The length of time counting toward a within-grade increase (if applicable) for a General Schedule employee shall be credited as if the employee had remained in his or her regular position.

b. A General Schedule employee accepting a term promotion to a PMRS position shall have his or her salary adjusted to the rate it would have been if the employee had remained in the General Schedule.

c. A PMRS employee promoted on a term basis to another PMRS position would revert back to the salary that he or she left. This shall include any general increases or merit increases, that he or she would have received based on his or her performance rating of record if the employee had remained in the lower grade position.

5. Upon approval of OPM, a term promotion may be extended for a period of 1 year, for a total of 5 years.

J. EXCEPTIONS

1. Specifically excluded from this Instruction are those promotion actions that include the following:

a. Promotions resulting from reclassification of a position to a higher grade when the upward classification is a result of the following:

(1) Changes in classification standards.

(2) Error in allocation of the original position.

(3) Reclassifications actions as follows:

(a) There are no other employees at the same grade in the unit supervised by the selecting official who are performing duties substantially the same as those performed by the employee prior to addition of the new duties and responsibilities.

(b) The employee continues to perform the same basic functions as were in the former position and the duties of the former position are administratively absorbed into the new position.

(c) The addition of the duties and responsibilities does not result in an adverse impact on another incumbered position, such as job abolishment or reduction in known promotion potential.

(d) The employee meets all eligibility and qualification requirements for the position.

b. Placement, under 5 CFR 351 (reference (i)), in a position with more promotion potential or to a different pay system in which the employee receives higher pay.

c. A promotion without current competition when earlier an employee was selected from a civil service register or competitive promotion procedures for an assignment intended to prepare the employee for the higher level position. (The intent must be made a matter of record and career ladders must be documented.)

d. A career-ladder promotion following noncompetitive conversion of cooperative education or junior fellowship students, in accordance with the requirements of FPM Chapter 308 (reference (b)).

e. Repromotion or transfer to a grade or position from which an employee was demoted without personal cause and not at his or her request.

f. Promotion after failure to receive proper consideration in a competitive promotion action.

g. Promotion of an employee competitively detailed for training or education to a position of higher grade or known promotional potential as follows:

(1) If selection was made under competitive procedures.

(2) That the fact the detail might lead to promotion without further competition was made known to all potential candidates.

(3) The area of consideration would have been the same for a permanent promotion.

h. Temporary details or promotions of 120 days or less within any 1 year.

i. Promotions under Upward Mobility Agreements.

j. Reinstatement of a former career or career-conditional employee who has served under a career Senior Executive Service (SES) appointment.

k. Reassignment to a position with more promotion potential instead of disability retirement.

l. Promotion resulting from successful completion of a training program that is required for promotion or given primarily to prepare an employee for advancement.

K. EXCLUSIONS

1. The following placement actions are not subject to this Instruction:

a. Placement of individuals having statutory, regulatory, or administrative reemployment or restoration rights, or to whom a similar employment obligation exists such as:

(1) Employees returning from military service.

(2) Employees returning from overseas assignments.

(3) Return of employees from mobility assignments under the "Intergovernmental Personnel Act," 5 CFR 334 (reference (i)).

b. Placement of employees in the serviced area who have been identified as surplus.

c. Placement of DoD employees entitled to mandatory placement consideration under DoD 1400.20-1-M (reference (d)).

d. Management-directed or -initiated reassignments as covered by FPM Chapter 335 (reference (b)).

e. Reinstatement or reemployment of a former Federal employee of the competitive service to a grade no higher than the grade last held in a non-temporary position in that service.

f. Transfer of an employee from another Federal Agency to a position with a grade no higher than that held immediately prior to transfer, or from a position with known promotion potential to a position with no higher potential.

g. Candidates selected competitively from OPM Certificates of Eligibles.

h. Career or career-conditional appointment under special authorities when such employment does not constitute a promotion and the candidate meets all regulatory criteria. (The following list is not all inclusive:)

(1) Legislative or judicial service.

(2) Movement under civil service rule 6.7.

(3) Canal Zone Merit System and Panama Canal Employment System.

(4) Office of the President, Vice President, or the White House Staff.

(5) Former Action Volunteers (Peace Corps, VISTA, etc.).

(6) Certain present and former Career Foreign Service officers and employees.

(7) Postal Career Service or Postal Rate Commission employees.

- (8) Present or former Peace Corps Staff (not volunteers).
- (9) Present and former General Accounting Office (GAO) employees.
- (10) Family member of civilian or military sponsors formerly serving overseas.

i. Reassignments or demotions:

- (1) Required by reduction-in-force regulations.
- (2) Of an employee who has applied for disability retirement to a vacant position at the same grade or pay level for which the individual is qualified.
- (3) From a position having known promotional potential to a position having no higher potential.
- (4) At an employee's request, if it does not place the employee in a position for later preferential consideration for a known promotional possibility.
- (5) Because of unsatisfactory performance.
- (6) Of an employee who must be moved out of a position because of decisions resulting from an official grievance or appeal of an Equal Employment Opportunity (EEO) complaint of another employee.

L. COMPLAINTS AND GRIEVANCES

1. Employees are entitled to view, on request, any supervisory appraisal used in considering them for promotion. An employee is not entitled to view the appraisal of another competing employee. Employees also may receive the following information about specific promotional actions in which they were competitors:

- a. Whether they were considered for promotion and, if so, whether they were found eligible on the basis of the minimum qualification requirements, including any pertinent selective factors, for the position.
- b. If they were in the group from which selection was made.
- c. Who was selected for the position.

2. Employees are entitled to file a grievance in accordance with AI No. 37 (reference (j)). Grievances based on this Instruction are restricted to allegations that the merit promotion requirements of law, regulation, or this Instruction have not been followed, or that the employee's qualifications were not evaluated properly. Nonselection from among a group of properly ranked and certified candidates or failure to receive a noncompetitive promotion is not a proper basis for a grievance.

3. A complaint alleging discrimination based on sex, color, race, religion, age, national origin, or physical or mental handicap shall be considered under AI No. 9 (reference (k)).

4. There is no right to appeal any action covered by this Instruction.

M. RECORDS

1. Each promotion action shall be recorded and filed for 2 years or until an OPM inspection has been conducted, whichever is earlier, if the time limit for grievance or discrimination complaint has lapsed before the anniversary date. Sufficient records to allow reconstruction of the promotion action shall be maintained, including documentation on how candidates were rated and ranked. Minimally, the following material shall be maintained in each promotion file:

- a. Copy of the JOA.
- b. Qualification standard used.
- c. Rating sheet or sheets for all applicants.
- d. Selection criteria used for the position.
- e. SF 171s or other documents used to determine qualifications.
- f. Promotion register showing the names of candidates as they appeared in final ranking.
- g. Name of applicant selected.
- h. Copies of letters to candidates informing them of the results of the recruitment process, or list of applicants annotated as to the letter prepared.

2. Each candidate who is selected under this program shall have a record placed in his or her official personnel folder reflecting the following:

- a. Qualifications standards that were used.
- b. Evidence of his or her ability to meet those standards at the time the action was taken.

N. EFFECTIVE DATE

This Instruction is effective immediately.



D. Q. Cooke

Deputy Assistant Secretary of Defense
(Administration)

Enclosures - 2

1. References
2. Definitions

REFERENCES, continued

- (e) Administrative Instruction No. 55, "Request for Civilian Position and Personnel Actions," August 15, 1985
- (f) "OSD/OJCS Affirmative Action Annual Plans"
- (g) "Federal Equal Opportunity Recruitment Program; Annual Plan"
- (h) DoD Directive 1440.1, "The DoD Civilian Equal Employment Opportunity (EEO) Program," May 21, 1987
- (i) Title 5, Code of Federal Regulations, Parts 334, 351, 432, 752, and 771
- (j) Administrative Instruction No. 37, "Employee Grievances," August 12, 1981
- (k) Administrative Instruction No. 9, "Processing Complaints of Discrimination," January 11, 1979
- (l) DoD Instruction 1404.11, "Employment of Spouses of Military Personnel Stationed in the 50 States, U.S. Territories and Possessions, and the District of Columbia," August 13, 1986

DEFINITIONS

1. Area of Consideration. The area in which an intensive search for candidates is conducted as follows:

- a. Where it is anticipated that highly qualified candidates may be located.
- b. Where the vacancy announcement is distributed.
- c. Where women and minority candidates may be located for under-represented positions.
- d. Where disabled veterans and handicapped candidates are located.
- e. Sources from which applications shall be accepted.

2. Best Qualified Candidates. Those candidates who rank at the top when compared with other eligible candidates for a position and who are referred to the selecting official.

3. Commitment. The process carried out by officials of the servicing civilian personnel office to extend an official offer to the selected candidate, either orally or in writing. The process includes acceptance by the selectee, obtaining required releases and clearances, and arranging for entrance on duty.

4. Demotion

a. The change of an employee to a lower grade when both the old and new positions are under the General Schedule or under the same type grade and wage schedule.

b. The change of an employee to a position with a lower rate of basic pay when both the old and new positions are under the same type ungraded wage schedule or are in different pay-method categories.

5. Evaluation of Candidates. A process of assessing candidates' qualifications for promotion and the degree to which they possess the knowledges, skills, abilities, and personal characteristics needed for successful performance in the position to be filled. For each qualified candidate, the end product of the evaluation is a rating indicative of his or her demonstrated or potential ability to perform satisfactorily in the position.

6. Minimum Area of Consideration. The area designated by this Instruction that reasonably should be expected to locate enough high quality candidates to fill vacancies in the positions covered by the plan. When the minimum area of consideration produces enough high quality candidates and a further search is not required, the minimum area of consideration and the area of consideration are the same.

7. Promotion.

a. The change of an employee to a position as follows:

(1) A higher grade, when both the old and the new positions are under the General Schedule or under the same type graded wage schedule.

(2) A higher rate of pay when both the old and the new positions are under the same type ungraded wage schedule or are in different pay method categories.

8. Qualified Candidates. Those who meet established qualification requirements for the position, including any applicable selective factors and who meet all legal and regulatory requirements.

9. Quality Ranking Factors. The knowledges, skills, or abilities that distinguish between the qualified and best qualified candidates. These are the desirable characteristics that contribute to outstanding job performance.

10. Reassignment. The change of an employee from one position to another without promotion or demotion.

11. Selective Factors. The knowledges, skills, or abilities essential for satisfactory performance in the position that represent an addition to the basic standard for a position. Examples of applicable selective factors are:

a. Ability to speak, read, and write a language other than English.

b. Knowledges and abilities pertaining a certain program or mission, which these cannot be acquired readily after promotion.

c. Ability in a functional area (i.e., ability to evaluate alternative Automated Data Program systems).

12. Spouse Preference. Preference provided to an eligible spouse, as defined in item 13., below, who applies for a vacant position filled under this Instruction at GS-8 through GS/GM-15 or equivalent wage system position. An eligible spouse must be selected ahead of other applicants when the spouse is determined to be best qualified and when the grade of the position is no higher than a grade the spouse formerly has held in a permanent position in the competitive service, if such spouse has reinstatement eligibility. When more than one spouse is being considered on spouse preference eligibility, selection may be made from among available spouse preference eligibles in any order. Period of eligibility begins 30 days before sponsors reporting date at the new duty station and ends 6 months following reporting date unless the spouse is placed in, or declines, any position for which the eligible spouse has registered, if that action occurs first.

13. Spouse Preference Eligible. The wife or husband of an active duty military member of the Armed Forces, including a member of the National Guard or Reserves, relocating because of service under a statutory tour.